

Notice of Allowability

Application No.

10/772,303

Examiner

Chih-Cheng Glen Kao

Applicant(s)

SAKATA, MASATAKA

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/8/06.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ellen Marcie Emas on 6/14/06.

2. The application has been amended as follows:

In claim 4, line 3, in the phrase "two- dimensional"; delete the space between the hyphen and "dimensional".

In claim 5, line 3, in the phrase "two- dimensional"; delete the space between the hyphen and "dimensional".

In claim 6, line 3, in the phrase "two- dimensional"; delete the space between the hyphen and "dimensional".

In claim 13, line 2; delete "are emitted".

In claim 13, lines 2-3; replace "in a form of either a divergent beam or" with
- -are switched between a divergent beam and- -.

In claim 13, line 14, in the phrase "X -ray"; delete the space between "X" and the hyphen.

In claim 14, line 5; replace "comprising" with - -comprises- -.

In claim 14, line 7, in the phrase "said X-ray source"; replace "said" with - -an- -.

Reasons for Allowance

3. Claims 1-14 are allowed. The following is an examiner's statement of reasons for allowance.

Regarding claim 1, prior art fails to disclose or fairly suggest an apparatus for X-ray analysis including means for moving a two-dimensional X-ray detecting means in parallel with a central axis of rotation, and a mask arranged at a position in front of said two-dimensional X-ray detecting means as viewed from a specimen and having a slit on a line intersecting a plane rectangularly intersecting said central axis of rotation and containing a central optical axis of incident X-rays, in combination with all the limitations in the claim. Claims 2-12 are allowed by virtue of their dependency.

Regarding claims 13 and 14, prior art fails to disclose or fairly suggest a method for X-ray analysis including arranging a mask having a slit in front of a two-dimensional X-ray detecting means so as to make the slit to be located on a line intersecting a plane rectangularly intersecting a central axis of rotation and containing a central optical axis of incident X-rays, and moving said two-dimensional X-ray detecting means in parallel with said central axis of rotation in synchronism with a shift of an angle of incidence of X-rays relative to a specimen, in combination with all the limitations in each respective claim.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

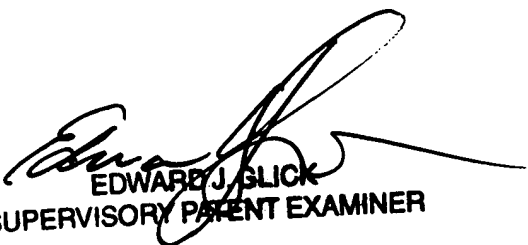
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



gk



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SUPERVISORY PATENT EXAMINER